

REMARKS

Applicant has carefully reviewed the Application in light of the Final Action issued January 7, 2009. Claims 1-32 are currently pending in this Application. Applicant respectfully request reconsideration and favorable action in this Application.

Claims 1, 2, 4, 6, 8, 11, 12, 14-16, 18, and 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/0113077 published by Bushnell, et al. Independent Claims 1, 11, and 32 recite in general an ability to access data indicating a current status of each of one or more users in a call pickup group with respect to an incoming phone call and to communicate the status of each of the users in the call pickup group to one or more endpoints of one or more users in the call pickup group for display thereto in order to facilitate a decision by a user on whether to pick up the incoming phone call. By contrast, the Bushnell, et al. application discloses a service in which an incoming call is forwarded to a first user of a Call Pick Up Group by a private branch exchange based on presence information obtained from a presence server. Other users in the Call Pick Up Group may be alerted to the incoming call directed to the first user of the Call Pick Up Group, where the alerts are forwarded to the other users of the Call Pick Up Group by the private branch exchange based on presence information obtained from the presence server. See Paragraphs 0042 and 0043 of the Bushnell, et al. application. A particular one of the other users in the Call Pick Up group may indicate a desire to answer the call and, if so, the call is forwarded by the private branch exchange to the particular one of the other users. However, the presence information of the users in the Call Pick Up Group is provided only to the private branch exchange from the presence server for determining where to send the incoming call and the alerts. At no point in time is presence information or any status sent to any users in the Call Pick Up Group let alone having one user receive the status of each of the other users in the Call Pick Up Group as required by the claimed invention. The users in the Call Pick Up Group of the Bushnell, et al. patent are only alerted as to the existence of the incoming call. As a result, the Bushnell, et al. application fails to disclose any capability to communicate the status of each of the users in a Call Pick Up Group to one or more endpoints of one or more users in the Call Pick Up Group for display to the users in the Call Pick Up Group in accordance with the claimed invention. With respect to an Instant Messaging service, the Bushnell, et al. application merely discloses that a user can know the status and availability of another user but fails to disclose an ability for a user to be provided or know

the status of each user in a Call Pick Up Group. Therefore, Applicant respectfully submits that Claims 1, 2, 4, 6, 8, 11, 12, 14-16, 18, and 32 are not anticipated by the Bushnell, et al. application.

Claims 7, 9, 10, 17, and 19-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0113077 published by Bushnell, et al. in view of U.S. Publication No. 2004/0086102 published by McMurry, et al. Independent Claim 1, from which Claims 7, 9, and 10 depend, and Independent Claim 11, from which Claims 17, 19, and 20 depend, have been shown above to be patentably distinct from the Bushnell, et al. application. Independent Claims 21 and 31 include the features of Independent Claims 1, 11, and 32 shown above to be patentably distinct from the Bushnell, et al. application. Moreover, the McMurry, et al. application does not include any additional disclosure combinable with the Bushnell, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 7, 9, 10, 17, and 19-31 are patentably distinct from the proposed Bushnell, et al. - McMurry, et al. combination.

Regarding Claims 21 and 31, Applicants have shown above that Bushnell, et al. fails to disclose each and every limitation of the independent claims 1, 11, and 32. Claims 21 and 31 comprise the limitations of independent claims 1, 11, and 32. The Examiner's reliance on McMurry, et al. does not account for the deficiencies of Bushnell, et al., and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 21 and 31 along with their dependent claims.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0113077 published by Bushnell, et al. in view of U.S. Patent No. 5,371,781 issued to Ardon. Independent Claim 1, from which Claim 3 depends, and Independent Claim 11, from which Claim 13 depends, have been shown above to be patentably distinct from the Bushnell, et al. application. Moreover, the Ardon patent does not include any additional disclosure combinable with the Bushnell, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 3 and 13 are patentably distinct from the proposed Bushnell, et al. - Ardon combination.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

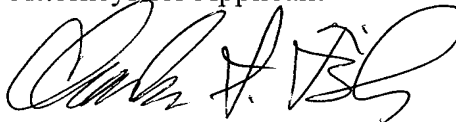
If the Examiner feels that a telephonic conference is needed to clear up matters addressed herein, the undersigned attorney stands ready to discuss this Application at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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